



## Policies and Procedures

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<b>TITLE: WIOA Youth Eligibility Policy</b>	<b>EFFECTIVE DATE: 12.19.2024</b>	
<b>SUPERCEDES: OPS#13 WIOA Youth Eligibility Policy      Dated: 3.18.2021</b>		

**DISTRIBUTION: CareerSource North Central Florida (CSNCFL) Staff and Service Providers**

**Purpose:** To communicate eligibility requirements for participation in the Workforce Innovation and Opportunity Act (WIOA) Youth program.

**Background:** WIOA supersedes the Workforce Investment Act of 1998 (WIA), and improves services to youth by placing a priority on serving out-of-school youth, providing work-based experiences, and improving services to youth with disabilities.

Section 129 of the WIOA Title I regulations define youth eligibility criteria. Youth are determined eligible as either in school youth (ISY) or out of school youth (OSY), each having their own respective eligibility criteria as defined in this policy.

WIOA also allows for each Local Workforce Investment Board (LWIB) to establish locally defined eligibility criteria. This provides maximum flexibility to local Boards to consider local conditions when serving youth.

### **Policy:**

**A. General Eligibility** - youth eligible for services must meet the following criteria (applicable to both OSY and ISY):

- U.S. citizen or otherwise authorized to work in the U.S. This includes “Deferred Action for Childhood Arrivals” ([DACA](#)) participants with employment authorization.
- Registered for Selective Service, if applicable (males 18+ years of age)

**B. Out of School Youth (OSY)** - is defined as an individual who is:

1. Age 16 through 24; and
2. Not attending school; and
3. One or more of the following:
  - a. A school dropout
  - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters;
  - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either:
    - i. basic skills deficient, or
    - ii. is an English language learner.
  - d. An individual who is subject to the juvenile or adult justice system;
  - e. A homeless individual, a runaway, an individual who is in foster care or has aged out of the foster care system, an individual eligible for assistance under section 477 of the Social Security Act, or an individual who is in an out-of-home placement;
  - f. An individual who is pregnant or parenting;
  - g. An individual with a disability;
  - h. A low-income individual (see low income definition below) who requires additional assistance to enter or complete an educational program or to secure and hold employment as defined as having one or more of the following:
    - i. Personal/family substance abuse
    - ii. Gang involved/affiliated/affected
    - iii. Victim of abuse or domestic violence
    - iv. Individual who has a parent that is incarcerated
    - v. Individual lacking a significant or positive work history:
      - Has a poor work history (been fired from 1 or more jobs within the last six months, OR
      - Has a history of sporadic employment: has held 3 or more jobs within the last 12 months, and is no longer employed, OR
      - Has actively been seeking employment for at least 2 months, but remains unemployed or underemployed. This includes a youth with no employment history, with limited work experience, and/or actively seeking full-time employment, but have only achieved part-time employment.

NOTE: WIOA requires a minimum of 75 percent of the total local youth formula allocation to be expended on activities to out of school youth, excluding administrative costs (20 CFR 681.410).

**C. In School Youth (ISY)** is defined as an individual who is:

1. Age 14 through 21; and
2. Attending school, including secondary or postsecondary school; and
3. Low income (see definition); and
4. Has one or more barriers:
  - a. Basic skills deficient
  - b. An English language learner
  - c. An offender
  - d. A homeless individual, a runaway, or an individual in foster care or has aged out of the foster care system (eligible under Section 477 of the Social Security Act).
  - e. Pregnant or parenting
  - f. A youth who is an individual with a disability
  - g. An individual who requires additional assistance to enter or complete an educational program or to secure and hold employment as defined as having one or more of the following:
    - i. Personal/family substance abuse
    - ii. Gang involved/affiliated/affected
    - iii. Victim of abuse or domestic violence
    - iv. Individual who has a parent that is incarcerated
    - v. Individual lacking a significant or positive work history:
      - Has a poor work history (been fired from 1 or more jobs within the last six months, OR
      - Has a history of sporadic employment: has held 3 or more jobs within the last 12 months, and is no longer employed, OR
      - Has actively been seeking employment for at least 2 months, but remains unemployed or underemployed. This includes a youth with no employment history, with limited work experience, and/or actively seeking full-time employment, but have only achieved part-time employment.

## **D. Determining School Status**

School status is determined at the time of program enrollment. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA youth program.

If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education, even if they have not yet begun postsecondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for postsecondary education, but does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend postsecondary education.

ISY, including those attending postsecondary education, must be between the ages of 14 through 21. A youth attending postsecondary education who is 22 at time of eligibility determination would not be eligible for the WIOA youth program because they are in school and over the age of 21.

Providers of adult education under Title II of WIOA, YouthBuild programs, Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be schools for the purposes of determining school status. However, there is one exception. Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K–12 school system that are classified by the school system as still enrolled in school are considered ISY.

## **E. Documentation Requirements**

CareerSource North Central Florida (NCFL) is required to maintain adequate documentation to ensure credibility of eligibility determinations and support data element validation requirements in alignment with this policy. It is CareerSource NCFL's policy to align WIOA program eligibility documentation with existing data validation documentation requirements per state and/or federal guidance.

CareerSource NCFL staff and service providers will provide youth eligibility and/or data validation documentation upon request from authorized persons (i.e. CSNCFL Monitors, Florida Commerce, DOL, etc.), such as in the event of programmatic monitoring, financial audits, or other similar activities.

**Inquiries:** All questions regarding this policy memorandum may be directed to the CareerSource CEO at [pmarty@careersourcencfl.com](mailto:pmarty@careersourcencfl.com).

## **References:**

- Public Law 113-128 Section 129, Workforce Innovation and Opportunity Act (WIOA)
- Training and Employment Guidance Letter (TEGL) 21-16, WIOA Youth Program Transition, (March 2, 2017)

- Training and Employment Guidance Letter (TEGL) No. 02-14, Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs (July 14, 2014)
- CareerSource Florida Administrative Policy No. 095, Youth Program Eligibility (April 25, 2017)

### **Key Definitions and Terms:**

**Basic Skills Deficient:** A youth that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or who is a youth that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

**Drop Out:** An individual who is no longer attending any school and who has not received a secondary school diploma; or its recognized equivalent. An individual who is between the ages of 16 and 24 at the time of enrollment into a WIOA-funded youth activity, who is not attending a regular or alternative school, but is enrolled in an adult education or GED program. A dropout, for purposes of WIOA, is also an out of school youth who has not received a high school diploma.

**Family:** Per 20 CFR 675.300, the term "family" means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A married couple and dependent children.
- A parent or guardian and dependent children.
- A married couple

The following local criteria determines whether a person is dependent or independent:

- A person is determined to be dependent when he/she resides in a single-family residence with other family members and is claimed on his/her parent(s) or legal guardian's income tax return.
- A person is determined to be independent when he/she resides in a single-family residence with other family members and is NOT claimed on his/her parent(s) or legal guardian's income tax return.

**High Poverty Area:** A high-poverty area is defined as a Census tract; a set of contiguous Census tracts; or a county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey data. The Department of Economic Opportunity (DEO) developed a Poverty Rate Map as a tool to assist

staff in determining if an area meets the high poverty area criteria.

**Low Income:** The term “low income individual” means an individual who -

1. receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), or the program of block grants to States for temporary assistance for needy family’s program (TANF), or the supplemental security income program established under title XVI of the Social Security Act, or other State or local income-based public assistance; or
2. is in a family with total family income that does not exceed the higher of—
  - i) the poverty line; or
  - ii) 70 percent of the lower living standard income level; or
3. is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))); or
4. is determined to be individually eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or
5. is a foster child on behalf of whom State or local government payments are made; or
6. is an individual with a disability whose own income meets the income requirement of number 2 above, but who is a member of a family whose income does not meet this requirement.
7. A youth living in a high-poverty area.

## OFFICIAL SIGNATURE

Phyllis Marty  
Chief Executive Officer